

**HE KAUPAPA KOTAHI – HE ARA WHAKAMUA**

**WHANGANUI RIVER CLAIMS –  
TERMS OF NEGOTIATION**



**6 MARCH 2003**

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*E rere kau mai, te Awanui*

*Mai te kahui maunga ki Tangaroa*

*Ko au te Awa*

*Ko te Awa ko au<sup>1</sup>*

**Purpose**

1. This document records the intentions of the Crown and Whanganui Iwi in negotiating a settlement of the claims of Whanganui Iwi to Te Awa Tupua (Whanganui River).

**Statement of Intent**

2. In negotiating a settlement Whanganui Iwi and the Crown shall seek to ensure the wellbeing, care, protection, use and development of Te Awa Tupua. The Crown recognises that Whanganui Iwi view and treat Te Awa Tupua as a whole, inclusive of the water and all taonga that give Te Awa Tupua its essential life.
3. The Whanganui Iwi and the Crown are seeking to negotiate in an open and frank manner. This will achieve an environment that recognises, and treats accordingly, the processes and procedures of the Crown and Whanganui Iwi. Such an environment will enable both parties to contribute equally to the negotiations.
4. The Whanganui Iwi and the Crown will act in good faith in the pursuit of a fair, final and durable settlement for the Whanganui River claims. The starting points for our negotiations include respect for each other and an open and explicit process which delivers benefits.
5. A successful outcome from these negotiations will provide a pathway for the development and future growth of Whanganui Iwi and enhance the relationship between Whanganui Iwi and the Crown. Whanganui Iwi intend the negotiations and any settlement reached to foster an environment of cultural cohesion, self-awareness and community identity that will build relationships and infrastructure.

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<sup>1</sup> The Pepeha is a statement of identity for Whanganui Iwi, its constituent collectives and descendants. It is an illumination and acknowledgement of the whakapapa (genealogical connections) between Whanganui Iwi, its constituent collectives and descendants to Te Awa Tupua.

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**Delivery of Benefits**

6. Both the Crown and Whanganui Iwi will seek to negotiate a settlement that results in benefits. These will include:
  - a. Contribution towards the Whanganui Iwi Vision
  - b. Certainty about ownership, management and control to ensure the wellbeing of Te Awa Tupua
  - c. Resolution and settlement of claims relating to Te Awa Tupua of Whanganui Iwi
  - d. Providing a platform for enhancing the honour of the Crown
  - e. The release and discharge of the obligations and liabilities of both parties arising from the claims settled.

**Extent of Formal Negotiations**

7. Whanganui Iwi and the Crown agree, therefore, that the extent of formal negotiations shall include, but not be limited to, consideration of:
  - a. The Crown's recognition of the Whanganui Iwi relationship with Te Awa Tupua
  - b. The Crown's recognition of the Mana of the Whanganui Iwi with Te Awa Tupua
  - c. The Crown's recognition of the Tino Rangatiratanga of the Whanganui Iwi with Te Awa Tupua
  - d. Any statutory recognition of Whanganui Iwi authority over activities that impact on Te Awa Tupua at local, regional and national levels.

**Scope of Formal Negotiations**

8. Whanganui Iwi and the Crown agree that the scope of formal negotiations be defined as follows but not limited to:
  - a. Papa-Tupu-Ora ( "Land" as it relates to Te Awa Tupua)
  - b. Wai-Mana (Water)
  - c. Nga-Kirikiri (Gravel Extraction)
  - d. Te Ara Kauru (Customary Use)
  - e. Te Uru-Kapa (Recreational Use)
  - f. Te Ara Putea (Commercial Use)
  - g. Whakaruru-Tai (Environmental Protection)

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- h. Te Ringa Whatoro (Relationships)
- i. Te Ngakitanga (Implementation of the above).

**Matters Excluded from Formal Negotiations**

- 9. Whanganui Iwi and the Crown agree that the following will be excluded from formal negotiations:
  - a. The extinguishment of customary rights and aboriginal title;
  - b. What the nature and extent of the Tupuna relationship of Te Awa Tupua is with Whanganui Iwi, hapū and whānau;
  - c. Land claim issues which are to be negotiated by a specific iwi/hapū grouping or groupings; and,
  - d. The internal affairs of Whanganui Iwi.

**Waitangi Tribunal Findings**

- 10. Whanganui Iwi and the Crown:
  - a. accept that the findings of the Waitangi Tribunal, as published in the Whanganui River Tribunal Report, are to be used as the basis for these negotiations to establish the redress to be agreed in respect of the Whanganui River claims;
  - b. acknowledge that the Crown and Whanganui Iwi will inform each other of our respective views and reserve our respective positions on the findings and recommendations of the Waitangi Tribunal.

**Conditions**

- 11. Whanganui Iwi and the Crown acknowledge any agreement reached in negotiation discussions will not be binding until:
  - a. embodied in a Deed of Settlement;
  - b. ratified by Whanganui Iwi through a process developed by Whanganui Iwi and agreed to by the Crown;
  - c. a suitable governance entity exists to receive and manage redress; and,
  - d. settlement legislation comes into force.

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**Governance Entity for Settlement Redress**

12. Whanganui Iwi and the Crown agree that an appropriate legal entity ratified by Whanganui Iwi (in a manner to be agreed by Whanganui Iwi and the Crown) which ensures fair representation of Whanganui Iwi, has transparent decision-making and dispute resolution processes, and is fully accountable to Whanganui Iwi will need to be in place prior to a settlement becoming unconditional.

**Waive Other Avenues of Redress**

13. Whanganui Iwi and the Crown agree that during these negotiations neither party will pursue or initiate, before any court or tribunal or otherwise, any proceedings for redress covering all or part of the subject matter as these negotiations.

**Claims to be settled**

14. The claims to be settled are:
  - a. The Historical Claims of Whanganui Iwi to be included in these negotiations are all claims to Te Awa Tupua made by Whanganui Iwi arising from the Treaty of Waitangi and its principles, statute, common law (including customary law and aboriginal title), fiduciary duty, or otherwise and arising out of or relating to acts or omissions by the Crown before 21 September 1992.
15. With the agreement of the Crown and Whanganui Iwi other specific claims to Te Awa Tupua from Whanganui Iwi will be identified and be included in the settlement.
16. The Whanganui Iwi and the Crown agree that the settlement of the claims of Whanganui Iwi will enable the release and discharge of all the Crown's obligations and liabilities in respect of the claims and the removal of the jurisdiction of the courts, the Waitangi Tribunal, and any other judicial body or tribunal to consider the claims, the settlement, the redress provided or settlement legislation.

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**Overlapping Claims**

17. Whanganui Iwi and the Crown agree to inform each other about any discussion they are having with other iwi on overlapping claims.
18. Whanganui Iwi and the Crown agree that overlapping claims over redress will need to be addressed to the satisfaction of Whanganui Iwi and the Crown before a settlement can be concluded.

**Detailed procedures for negotiation**

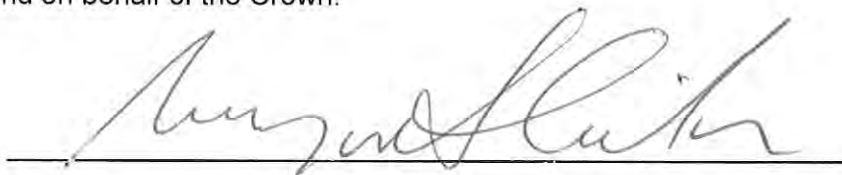
19. The mandated negotiators of Whanganui Iwi and the Crown have also agreed the manner and processes for how they will conduct negotiations. These are set out in *Whanganui River Claims – Agreement on Processes and Procedures*, which will be signed.

**Formal Agreement on Terms of Negotiation**

20. Upon formal signature of this document, which is not legally binding, Whanganui Iwi and the Crown confirm their commitment to abide by the terms of the document in good faith and the spirit of goodwill.

**SIGNED THIS 6<sup>th</sup> DAY OF MARCH 2003**

For and on behalf of the Crown:



A handwritten signature in cursive script, appearing to read 'Margaret Wilson', is written over a solid horizontal line.

Hon Margaret Wilson, Minister in Charge of Treaty of Waitangi Negotiations

Maryanna Te Koro Tamahaki (Merced. Jephson)

Alyna Ranginui Atihau-Nui A-Paparangi

Janez Pelleny (Kerewini) Tamahaki  
Sandy Ranginui Atihau-nui-A-Paparangi  
Jude Treanor Ngatikewerohatia Tamahaki

C. P. Baker Junang Ngahirangi

TOM TREANOR.

Ngatikurua

Jahanne Winata Pait Ngati Uenuku Suhaunua  
Monica Matamua-Ham. Tekeia Ngati Honeora

Elonia Was 116 Kweipet St Wanganui  
Yahau Gray. 31 Palsen St. "

Patricia Kahurakama Ashford Ngati Honeora/Tuara

Veronica Baker Ngati Honeora/Tuara

Hew Keni Pook Patu Toko Toko  
Nga tamariki o te Kura o Pipiriki Nga hapu o Tamahaki  
Gaye White Nga hapu o Tamahaki

Diogen Ngungu Ngati Tu. Ngati Rang  
Reo Rapana

Lillian Haddon Tamahaki

Sr Barbara Cowy for Srs of St Joseph, Whanganui - supporters of River claim  
Sr Makereia Tawarua, Ngapaerangi, Kauhaki;

Patricia Kume Edmunds Tamahaki

Elkora Tuera

J. Rapana

Sister Dorothea Meade D.O.C. 930.

4 ANTIKAW  
NSA RUAHANG RANGI

Rigiti Mako Tamahaki

Barbara Mako Tamahaki  
Tairimu  
TAMAHAKI TE IWI

Narlyn Cibo Karimu Mako Tamahaki

Potera Ringi Reiwana Tape Ngati Honeora

# Charles Mareskain Mangonui

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Kurairi Teuera.

John Wilko Maiki Ngati Pamoana

For and on behalf of Whanganui Iwi:

P. Puro, Ngare Nihonga, Baby and Turakui Ngati Hau.  
 Julie Rangimui Susie Wahapa Tehikotuku  
 Edna McGregor Hinengakan  
 Christina Lapa Waimaria Ernesti  
 Barney Keenan Tamapoko.  
 Deason Maria Ngangoa bhase Hinengakan  
 Terekeru Pakitapu

Tinira

Arihiro Te Waihana Hanmy: Te Tioha TUROA  
AND O WHANGANUI & HINENGAKAN.

Te Meturene Pope Robert Bray for Ngati Kurewhatia

Manuwarau, Turro, Paula Renata TUHOE

Jubam Feh - Hinengakan

Mary M. Lucia Ngatikura Whatia Mushi.  
 Te Teuenga Waiarere Ngati Wai  
 Utekeru Mato.

John Peter Mareskain Waiara Ngatitangi

Rama Mareskain Ngatitangi.

Kuwiringa Tekura. Ngati Ruwai.

Lawitopu Patea. Teuera/Whati Teuera/Hororo

John Ken Maiti Ngati Ruwai

A. W. Tengroen Ngati Ruwai

W. M. He Ngati Puro

Timoti Waitokia Ngati Hineneoneone.

Andersen Ngati Pamoana  
Daphne Rehu Ngati Tu



Tenelope K Patea / Ihimaere - Whakatako Patea / Nga Paerangi  
Kamen Peahi Ngati Hineoro / Tuera  
Tania Te Huna Atihau  
A. Rowe Ngati Ruaka Ngati Hau

SMERYL TAURI & GRANDFATHER JURY TE TAURI  
~~Carolyn~~ Ramaka Ngati Hikairo / Ngati Tuera  
Olive Kawana

Te Weraoa Kingi Te Patu.  
Cindy Komeka Ngati Hikairo / Ngati Tuera.

Raewyn Kawana  
Moki Te Patu. Hipahi Peeti Nga Paerangi  
(Peeti-Tumano) Tyson Ngati Hineoro Me Tuera.

Doug Broughton Ngati Tuera, Ngati Hineoro, Nga Paerangi  
Ivan Griendt Purohanga Makopuna Ana Rakato  
Dave Purohanga = Rakato Makopuna etc Ave Rakato Paerangi  
aaro Tuttoa Ngatoroia Pirere Ngati Rangitikei 7mths  
aerda Tehehi Pirere Ngati Rangitikei 13 years  
Tuthee

Desley Patea Ngati Ruaka

Lenore Purohanga NGATI HAUAROA

E Retana Hineoro Tuera  
Stella Mill Uenuku manawawiri Ngati Rangitikei

Brett Te Heu Ngati Hau A Paerangi.

Arnette Man Komiti

Louise Wahapa Ngati Hau

Kava Whirapa Ngati Hau.

Don Lumsden  
Maki Ngatoroia Ngati Tu-tawaitahi  
REIMANA MUNAPO " " "



Mrs Heta Nga Terangi.

NERAHKO CRAVEN Hau  
Mau Cribb/Waho/Pekamu

~~Heta~~ Heta Ngakara  
Ngati Rangi

Saima Han Kraihaki Marae Ngabirangi.

HAIMONA TELKI RASA NGA POUTAMA - NGA PAERANGI

Raebene Baker Ngati Hau Poutama

Eunice Rangini Poutama Nui Awa

Tellia Rangini Poutama Nui Awa

Dolores Styles Like Rangini "

Neville Telata Ngati Rangini

Irene Rangini Poutama Nui TEAWA

Cyril Rangini Ngati Awa

Charles Rangini Ngati Awa

Ellen Keenan Nga Poutama

Andrea Kani Nga Poutama-nui-a-awa

Doreen Atherton Nga Paerangi

Holopi Hemi-Rangini

Patricia Butler Ngati Puaka

Jonella Simon Nga Paerangi nui A-Awa

Manu Poutama Ngati Hau

Jeanette & Sidney Tamakahi Ngati Awa

Margie Williams - Raetahi - Samatahi Inc.

Robert Wayne Cobb Raetahi Tamakahi

Rangini Cobb Council of Hapai Inc  
Grace Cobb Tamakahi

Anita Mehrae Parker Ngati Hau

Lihitapu wae Joh Ngati Honekahi / Gwatharua

Awaka Tepe Ngati Hekeawhi

Connie Orange Ngati Hau

Iki Matamua Ngati Rangini  
Eileen Wood Ngati Hau - Hinengakau